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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,560	08/15/2001	Bernhard Lucas	1647	2388

7590 12/19/2002  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/913,560

Applicant(s)

LUCAS ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the first Office Action for serial number 09/913,560, Mounting for an Adjustable Housing, filed on August 15, 2001. Claims 1-8 have been cancelled. Claims 9-17 are pending.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Mount for Adjustably Positioning a Housing.

The disclosure is objected to because of the following informalities: on page 7, line 15 insert --insert-- after "plastic"; on page 12, line 9 "on" should be --of--, and on line 14, delete "(Fig. 2)". The Abstract is objected to because it includes reference numerals that are shown only in the Prior Art of Figure 1 (i.e. 2, 10, etc.). Appropriate correction is required.

#### ***✓ Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: numeral 23 on page 12, line 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "bevel gear container" recited in claim 11 and the "worm gear and spur-toothed wheel" recited in claim 15 must be shown or the features canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: on line 4, delete "via" before "a screw thread"; on line 5, "housing" should be --base plate--; on line 6, delete "to an outside"; on line 8, insert --of the position of the housing-- after "adjustment"; on line 9, insert --being mounted-- after "said bevel gears" and insert --and-- after "adjusting screw"; on line 10, delete "being" and "or" should be --of--; on line 12, insert --said at least one bevel gear on said adjusting screw-- before "against". Appropriate correction is required.

Claim 12 is objected to because of the following informalities: on lines 1-2, the phrase "wherein for fastening the housing of a radar sensor," is incomplete and

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generally confusing; on line 6 delete "a" before "rotation". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the housing of a radar sensor" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 17, lines 1-2, the phrase "three such screws" is indefinite since it is unclear which previously recited limitations the applicant is attempting to reference.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Note: Claim 12 has been rejected based on the subcombination of the mount only.

Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art of Figure 1 (APA) in view of U.S. Patent 5,483,426 to Lewis et al.

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(Lewis). With regards to claims 9, 11-14, 16, and 17, the APA discloses a mount (2) comprising: a base plate (defined by 2 generally) having three adjusting screws (9, 10, unseen screw) mounted therein by plastic inserts (rectangular members adjacent 9 and 10), wherein two of the adjusting screws (10,unseen screw) are located in diagonally opposed corners of the base plate, and the adjusting screws are guided by a screw threads. The APA does not disclose the adjusting screws including a deflecting linkage. Lewis teaches a mount (Figs. 2-3) comprising: an adjusting screw (36) guided by a self-channeling screw thread (at 50 generally) in a base housing (16), the adjusting screw (36) provided with a deflecting linkage, the deflecting linkage comprising bevel gears (76,66), wherein one of the bevel gears (76) is mounted on the adjusting screw (36) and is movable and pressable against the other bevel gear (66), a rotary spindle (70,72) guided on the base housing and turnable in order to turn the adjusting screw (36) to provide an adjustment of a device in contact therewith, the rotary spindle (70,72) having the other bevel gear (66) mounted thereon, and further including an element/gear container (74) for moving the bevel gear (76) on the adjusting screw (36) and pressing it against the other bevel gear (66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount of the APA to include the adjusting screw arrangement disclosed by Lewis because one would have been motivated to provide a mount that does not require rear access for adjustment and that also eliminates the need for extra parts which reduces the cost of the mount as taught by Lewis (col. 1, lines 16-26 and 43-49).

Regarding claim 10, the APA in view of Lewis does not teach the element (74) being formed as a spring. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the element (74) to be formed of a material that also provides a spring force to the bevel gear (76) because one would have been motivated to provide a means that prevents the teeth of the gears from slipping out of mesh (i.e. reduce play in the system).

Regarding claim 15, the APA in view of Lewis does not teach the deflecting linkage further including a worm gear and a spur-toothed wheel; however It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mount by substituting a worm gear and spur-toothed wheel for the mating bevel gears since bevel gears and worm gears with spur-toothed wheels are well known for their use in the mechanical gear art and the selection of any of these known equivalents to translate an input force to a perpendicular output force would be within the level of ordinary skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

3202015 to Moul, Jr. et al; 4674018 to Ryder et al; 4884465 to Zachystal;  
4907009 to Pinson; 4967319 to Seko; 5161877 to Wright et al;  
5313213 to Neumann et al; 5355287 to Denley; 5429011 to Stevenson;  
5508896 to Suehiro et al; 5633647 to Tines; 5875685 to Storaasli;

5926127 to Schmidt et al; 6155376 to Cheng; 6155127 to Pogson;

2002/0000909 to Koerber et al; 6459476 to Nishimura;


JP 61-200044 to Okuma et al.

The above references disclose mounting assemblies relevant to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
12/15/02

  
KIMBERLY WOOD  
PRIMARY EXAMINER